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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 COLVIN J. PLUMMER,
11 #88570,

12 *Plaintiff,*

13 vs.

14 ROBERT BANNISTER, *et al.*

15 *Defendants.*
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3:11-cv-00865-ECR-WGC

ORDER

17 Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted
18 a civil rights complaint (#4) pursuant to 42 U.S.C. § 1983, which previously has been
19 screened (#3). On the showing made in the pauper application (#1), the Court finds that
20 plaintiff is unable to pay a substantial initial partial filing fee toward the full filing fee of three
21 hundred fifty dollars (\$350.00), pursuant to 28 U.S.C. § 1915(b)(1), and the application
22 therefore will be granted as set forth herein.

23 IT THEREFORE IS ORDERED:

24 1. Plaintiff's application (#1) to proceed *in forma pauperis* is GRANTED. Plaintiff
25 shall not be required to pay an initial partial filing fee. However, even if this action is
26 dismissed, the full filing fee still must be paid pursuant to 28 U.S.C. § 1915(b)(2).

27 2. Plaintiff is permitted to maintain this action to conclusion without the necessity
28 of prepayment of any additional fees or costs or the giving of security therefor. This order

1 granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas
2 at government expense.

3 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
4 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
5 month's deposits to plaintiff's account, in the months that the account exceeds \$10.00, until
6 the full \$350.00 filing fee has been paid for this action. **The Clerk of the Court shall SEND**
7 **a copy of this order to the Finance Division of the Clerk's Office. The Clerk shall also**
8 **SEND a copy of this order to the attention of the Chief of Inmate Services for the**
9 **Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.**

10 4. The Attorney General's Office shall advise the Court within **twenty-one (21)**
11 **days** of the date of the entry of this order whether it can accept service of process for the
12 named defendants. As to any of the named defendants for which the Attorney General's
13 Office cannot accept service, the Office shall file, under seal, the last known address(es) of
14 those defendant(s).


15 5. If service cannot be accepted for any of the named defendant(s), plaintiff shall
16 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
17 specifying a full name and address for said defendant(s).

18 6. If the Attorney General accepts service of process for any named defendant(s),
19 such defendant(s) shall file and serve an answer or other response to the complaint within
20 **sixty (60) days** from the date of this order.

21 7. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has
22 been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
23 document submitted for consideration by the Court. Plaintiff shall include with the original
24 paper submitted for filing a certificate stating the date that a true and correct copy of the
25 document was mailed to the defendants or counsel for the defendants. If counsel has
26 entered a notice of appearance, the plaintiff shall direct service to the individual attorney
27 named in the notice of appearance, at the address stated therein. The Court may disregard
28 any paper received by a district judge or magistrate judge which has not been filed with the

1 Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which fails
2 to include a certificate showing proper service.

3 DATED: March 14, 2012.

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7 EDWARD C. REED
8 United States District Judge
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